REMARKS

Claims 1-9 and 11 are all the claims pending in the application. Claim 12 is being added.

I.   Drawings

The Examiner objected to the drawings under 37 CFR 1.83(a), specifically stating that the description of a "storage station comprising a first terminal" is not shown in the figures.

The Applicant respectfully disagrees, and submits that the embodiment described in claim 9, where the storage station 4 comprises a first terminal 1, is understandable by one of ordinary skill in the art such that a separate illustration is not required. Specifically, Figure 1 illustrates both the storage station 4 and the first terminal 1 in sufficient detail that one of ordinary skill in the art would understand the embodiment of claim 9, where the storage station 4 also comprises the first terminal 1. As such, the Applicant requests that the objection to the drawings be removed.

II.   Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claim 9 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Applicant disagrees, and submits that the Specification adequately describes the embodiment described in claim 9, where the storage station comprises a first terminal. The Applicant specifically submits that the Specification, at page 4, lines 15-19, describes the embodiment where the storage station comprises a first terminal, as described in claim 9. Furthermore, the remainder of the Specification clearly describes the structure and function of

both the first terminal and the storage station, such that one of ordinary skill in the art would

understand the embodiment where the storage station comprises the first terminal.

The Applicant therefore submits that this embodiment is described in sufficient detail to

enable one of ordinary skill in the art to understand the embodiment of claim 9, where the

storage station comprises the first terminal. Therefore, the Applicant requests that the rejection

under 35 U.S.C. § 112, first paragraph, be withdrawn.

III.   Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 3-9 and 11 under 35 U.S.C. § 102(e) as being

anticipated by Johnston, et al. (US 7,266,591), hereinafter "Johnston."

<u>Claim 1</u>

The Applicant respectfully disagrees, and submits that Johnston fails to describe each and

every element of claim 1, as required for a rejection under 35 U.S.C. § 102(e). Specifically,

Johnston fails to describe "a storage station for storing information to be supplied *during said*

call to said second terminal," as recited in claim 1, as Johnston only describes providing

information to a second terminal while the call is on hold, and not during the call. Johnston only

describes "a data communication system for providing content transmission *upon placement of a*

call on hold…" (col. 2, lines 17-19; emphasis added), and Johnston further describes placing a

call on hold as "the suspension of the call…" (col. 1, lines 55-56). Since Johnston is designed to

play music to a caller who has been placed on hold, Johnston fails to describe providing

information in the form of a data packet that is to be supplied *during the call*, as recited in claim

1. The Applicant additionally notes that in the section cited by the Examiner, Johnston states

that "the proxy server 109, in step 419, instructs the user agent 101 not to send any further

media. *Accordingly, the server 107 can begin transmitting content (e.g., music) to the user agent

101.*" *Johnston*, col. 7, lines 4-7 (emphasis added). The Applicant notes that no content is

transmitted until the call is placed on hold. Further, Johnston describes how once a caller presses

the "hold" button, "this causes the user agent 103 to send a re-INVITE message to the other user

agent 101 with the SDP indicating a hold state. As a result, the other user agent 101 stops

sending media until the call is taken off hold by a re-INVITE with connection IP Address of the

User Agent." *Johnston*, col. 6, lines 34-38. Johnston specifically describes how the connection

is effectively suspended during the hold period, such that re-starting the connection requires the

submission of a "re-INVITE" request. Johnston therefore does not disclose where information is

supplied from a storage station to a second terminal *during a call*.

In contrast to Johnston, the embodiment described in claim 1 is a system where a user at a

second terminal can receive content from the storage station *during the call*, not while the call is

on hold. Therefore, the Applicant submits that Johnston fails to teach each and every element of

claim 1, as required for a rejection under 35 U.S.C. § 102(e).

Claims 7, 8, 9 and 11

The Applicant additionally submits that claims 7, 8, 9 and 11 are allowable for at least the

same reasons, as all of these independent claims disclose a system where information is supplied

during the call, in contrast to Johnston.

Claims 2-6

The Applicant additionally submits that claims 2-6 are allowable at least based on their dependency to claim 1.

Further, the Applicant submits that Johnston fails to disclose the elements of claim 6, where the trigger packet *and the further trigger-packet* comprise an indication for selection at least one information-part to be supplied during said call to said second terminal. The Examiner submits that claim 6 is rejected for the same reasoning set forth with regard to claim 4, but Johnston fails to describe where a *further trigger packet from the second terminal to the storage station* comprises an indication for selecting at least one information-part, as is described in claim 6. The Applicant therefore submits that claim 6 is equally allowable over Johnston.

Claim 12

The Applicant herein submits new claim 12, further describing the embodiment of the system of claim 1, "wherein the at least one data packet being supplied during the call is transmitted at the same time as the voice packets." The Applicant submits that Johnston fails to disclose where data packets are being transmitted at the same time as the voice packets, since Johnston only contemplates sending the music files when the call has been placed on hold, and thus no voice packets are being exchanged between the two callers. Since Johnston doesn't disclose the transmission of voice and data packets at the same time, Johnston does not teach the elements of claim 12. Support for the newly-added claim can be found in the Specification on page 8, lines 17-19.

IV.   Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Johnston, et al. (US 7,266,591), hereinafter "Johnston.", in view of McCormack et al. (US 2002/0136384), hereinafter "McCormack."

The Applicant refers the Examiner to the arguments presented above with regard to claim 1, and submits that claim 2 is allowable at least based on its dependency to claim 1.

V.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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